

09-26-01

A

FISH RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
02110-2804

Telephone
617 542-5070

Facsimile
617 542-8906

Web Site
www.fr.com

jc821 U.S. PTO
09/963333
09/24/01

09/24/01



Frederick P. Fish
1855-1930

V.K. Richardson
1859-1951

September 24, 2001

Attorney Docket No.: 11926-015002

Box Patent Application
Commissioner for Patents
Washington, DC 20231

Presented for filing is a new divisional patent application of:

Applicant: VINCENT P. STANTON, JR.

Title: THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES
HAVING UTILITY IN DETERMINING THE TREATMENT OF
DISEASE

The prior application is assigned of record to Variagenics, Inc.,
a Delaware corporation, by virtue of an assignment submitted to the Patent and
Trademark Office and recorded on February 20, 2001 at 011536/0644.

Enclosed are the following papers, including those required to receive a filing date
under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	176
Claims	2
Abstract	1
Declaration	2
Drawing(s)	2

FR

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

09963333 092401

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL624276315US

I hereby certify under 37 CFR §1.10 that this correspondence is being
deposited with the United States Postal Service as Express Mail Post
Office to Addressee with sufficient postage on the date indicated below
and is addressed to the Commissioner for Patents, Washington,
D.C. 20231.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

September 24, 2001

Lisa G Gray

FISH & RICHARDSON P.C.

Commissioner for Patents
September 24, 2001
Page 2

Enclosures:

- Preliminary amendment, 21 pages.
- Nucleotide and/or amino acid sequence listing including:
 - Computer readable copy.
 - Paper copy, 28 pages.
 - Verification statement, 1 pages.
- Declaration Regarding Incorporation by Reference.
- Request for NonPublication.
- Postcard.

This application is a divisional (and claims the benefit of priority under 35 USC 120) of U.S. application serial no. 09/658,659, filed September 8, 2000, which is a CIP of Application serial No. 09/596,033, filed June 15, 2000, which is a CIP of U.S. Application 09/357,743, filed July 20, 1999, which is a CIP of U.S. Application Serial No. 09/357,024, filed July 19, 1999, which claims the benefit of Stanton, U.S. Provisional Application 60/093,484, filed July 20, 1998, which are all hereby incorporated by reference in their entireties including drawings and tables.

Basic filing fee	\$355
Total claims in excess of 20 times \$9	\$117
Independent claims in excess of 3 times \$40	\$120
Fee for multiple dependent claims	\$0
Total filing fee:	\$592

A check for the filing fee is enclosed. Please apply any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (617) 542-5070.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

09/24/01 09:29:59

Commissioner for Patents
September 24, 2001
Page 3

Please send all correspondence to:

ANITA L. MEIKLEJOHN, PH.D.
Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804

Respectfully submitted,

Anita L. Meiklejohn, Ph.D.
Reg. No. 35,283

Enclosures

ALM/caa

20319128.doc

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Vincent P. Stanton, Jr.

Title

THYMIDYLATE SYNTHASE GENE SEQUENCE
VARIANCES HAVING UTILITY IN DETERMINING
THE TREATMENT OF DISEASE

Atty Docket Number

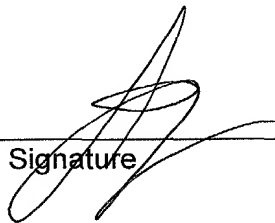
11926-015002

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Date

24 Sept 2001

Signature



Anita L. Meiklejohn, Ph.D.

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

09/28/2001 MAHMED1 00000006 09963333

01 FC:201	355.00 OP
02 FC:203	117.00 OP
03 FC:202	120.00 OP

PTO-1556

(5/87)